

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CORY ALVIN MUSTOE,

3:14-CV-00857-AC

Plaintiff,

ORDER

v.

CAROLYN W. COLVIN,  
Commissioner, Social Security  
Administration,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#17) on November 9, 2015, in which he recommends the Court reverse the Commissioner's decision denying Plaintiff's application for supplemental security income and remand this matter for the immediate calculation and payment of benefits. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9<sup>th</sup> Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*).

This Court has reviewed the record *de novo* including Defendant's Objections. The Court concludes Defendant's Objections do not provide a basis to modify the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#17). Accordingly, the Court **REVERSES** the decision of the Commissioner and **REMANDS** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for the immediate calculation and award of benefits.

IT IS SO ORDERED.

DATED this 28th day of December, 2015.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge